

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 94-219

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### 2. Form, Style and Placement in Administrative Code

a. In the statement of statutory authority, should the reference to s. 30.62 (2) (a), Stats., be replaced by a reference to s. 30.62 (9), Stats.?

b. In the analysis, the phrase “safety of the public who rents” should be replaced by the phrase “safety of a person who rents” and the phrase “compliance of s. 30.62, Stats.” should be replaced by the phrase “compliance with s. 30.62 (2), Stats.”

c. SECTION 2 should state that s. NR 5.001 (12), not s. NR 5.001 (13), is created.

d. The definition in s. NR 5.001 (12) should be deleted. First, the term “refusal hearing” is not used in s. 30.684 (5), Stats., and does not appear to be used in ch. NR 5. Second, is the department certain that a refusal hearing will be before a judge? If the definition is retained, the first occurrence of the word “hearing” should be printed in all lowercase letters. If the definition is deleted, SECTION 1 should be deleted.

e. In s. NR 5.09 (3) (a), “of natural resources” should not be deleted because “department” is not defined for ch. NR 5. Alternatively, “department” could be defined in s. NR 5.001. [See also s. NR 5.16 (1).]

f. In s. NR 5.09 (4), the word “marker” should be replaced by the word “markers” to correspond with the current text in the Administrative Code.

g. In SECTION 6, s. NR 5.125 (2) (title) is amended, not created. This should be indicated in a separate SECTION.

h. Currently, s. NR 5.13 (2) (title) is “PERSONAL FLOTATION DEVICE (PFD) REQUIREMENTS.” The title of the amended text is “PERSONAL FLOTATION DEVICE (PFD) REQUIRED.” Also, in s. NR 5.13 (2) (a) (intro.), the second occurrence of the word “the” should be deleted in order to be consistent with the current text of the Administrative Code.

i. In s. NR 5.33 (2) (b), the second hyphen should be deleted.

j. In s. NR 50.13 (4) (d) 2, the text is not accurate. First, the phrase “the year repairs were paid for” should be “the year the repairs were paid for.” Second, “\$1000.00” should be “\$1,000” in the unamended text in order to be consistent with the current text of the Administrative Code.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. NR 5.09 (4), the phrase “by the applicant” is unclear. The subsection should indicate that the political subdivision that authorized the marker must replace or remove the marker if it is not maintained.

b. In s. NR 5.125 (1), commas could be added before and after the phrase “when requested by a law enforcement officer.”

c. In s. NR 5.16 (1), reference is made to “such location as specified by the department.” If this phrase refers to rules of the department, an appropriate cross-reference to the Administrative Code should be included. If the phrase does not refer to rules, some clarification is needed to determine the appropriate location for personal watercraft decals. Also, the word “leaser” should be “lessor.”

d. In s. NR 5.16 (2), the requirement for the oral review would be clearer for those who must give the review if a given content was specified instead of a time requirement. For example, the section numbers of the rules that should be reviewed could be listed. Also in that subsection, it appears that the words “lessee” and “leasee” should be changed to “lessor” or “owner.”

e. In s. NR 50.13 (4) (d) 4, the period following “20%” should be deleted.